

REMARKS/ARGUMENTS

Reconsideration of the rejections set forth in the Office Action dated March 25, 2004, is respectfully requested. Claims 1-18 have been rejected. Claims 19 and 20 have been added. Accordingly, claim 1-20 are currently pending.

Claims 6 and 12 have been amended in a sincere effort to more particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. New claim 19 recites that a signal includes a modulation signal, and that additive noise is Additive White Gaussian noise. Support for this new claim may be found in the Specification, as for example on page 5 at lines 7-9. New claim 20 recites that a communication channel is a wireless communication channel of a communication network, and that a signal includes data. Support for this new claim may be found in the Specification, *e.g.*, on page 5 at lines 15-22 and on page 5 at lines 9-11.

Rejections under 35 U.S.C § 112

Claims 6 and 12 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Examiner has indicated that the limitation which recites a “digital signal … digital to analog converter” in claims 6 and 12 is misdescriptive. The Applicant has amended claims 6 and 12 to recite an analog to digital converter rather than a digital to analog converter. Accordingly, the Applicant believes the rejections under 35 U.S.C. § 112, second paragraph, have been overcome.

Rejections under 35 U.S.C § 102

Claims 1-18 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Koopman (U.S. Patent No. 5,757,923).

Claim 1 recites a method for generating a random value which includes monitoring a signal which has additive noise from a communication channel, sampling the signal to generate a random value, and storing the random value. The Examiner has asserted that Koopman teaches the method of claim 1. The Applicant respectfully disagrees with the Examiner's assertions, and submit that Koopman does not teach of monitoring a signal obtained from a communication channel where the signal includes additive noise. Koopman teaches of chaotic noise obtained from a chaotic noise source through air flow (Koopman, column 5 at lines 11-25). The chaotic noise which is obtained through air flow from a chaotic noise source such as an electromechanical generator (Koopman, column 5 at lines 13-15) is not obtained from a communication channel.

Further, Koopman also does not appear to teach of sampling a signal to generate a random value, then storing the random value. While Koopman does appear to teach of sampling (Koopman, column 5 at lines 46-49), the sampling is not performed on a signal obtained from a communication channel, and does not appear to be performed to generate a random value. The sampling is performed to provide samples which are then digitized (Koopman, column 5 at lines 57-61 and column 6 at lines 20-24). Random numbers do not appear to be generated until algorithmic functions stored in memory are used (Koopman, column 6 at lines 4-5). The Applicant submits that random numbers which are generated using algorithmic functions stored in memory are not the same as random values that are generated by sampling a signal.

Koopman also does not appear to teach of storing a random value. Specifically, Koopman does not appear to teach of storing the random numbers generated using algorithmic functions. Instead, memory 42 as shown in Fig. 1 of Koopman teaches of storing a secret ID (Koopman, column 10 at lines 10-12). The random numbers and the secret ID of Koopman do

not appear to be the same. Additionally, the random numbers do not appear to be stored after they are generated using algorithmic functions, and the secret ID of Koopman does not appear to be generated through the sampling of a signal. Accordingly, claim 1 is believed to be allowable over Koopman for at least the reasons set forth.

Claims 2-6 each depend either directly or indirectly from independent claim 1 and are, therefore, each believed to be allowable over Koopman for at least the reasons set forth above with respect to claim 1. Each of these dependent claims recites additional limitations which, when considered in light of claim 1, are believed to further distinguish the claimed invention over the art of record. By way of example, claim 4 recites that monitoring a signal comprises monitoring a digital signal represented by multiple bits, where the (digital) signal is monitored prior to the (digital) signal being sampled (as required in claim 1). Contrary to the Examiner's assertion, Koopman does not teach monitoring a digital signal, or of sampling the digital signal. Instead, the sampler and digitizer of Koopman first samples sound (Koopman, column 5 at lines 46-49), then digitizes each sample (Koopman, column 5 at lines 57-61). Koopman records sound using a recording device, samples the sound, then digitizes the samples only after the samples are obtained. Hence, it is respectfully submitted that Koopman does not teach of monitoring a digital signal which is then sampled to generate a random value. As Koopman does not disclose monitoring a digital signal, or of monitoring a digital signal then sampling the digital signal to generate a random value, claim 4 is believed to be allowable over Koopman for at least these additional reasons.

Independent claims 7 and 13 recite apparatuses which perform the method of claim 1. Therefore, claims 7 and 13, as well as their respective dependent claims, are each believed to be allowable over Koopman for at least the reasons set forth above with respect to claim 1.

Conclusion

For at least the foregoing reasons, the Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone

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conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 446-8696.

Respectfully submitted,



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